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# FSQS FACTS

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## PUBLIC PARTICIPATION IN GOVERNMENT RULEMAKING

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PROCUREMENT SECTION  
CURRENT SERIAL RECORDS

Like all agencies in the Federal Government, the Food Safety and Quality Service (FSQS) carries out its programs under authority of laws established by Congress. The Federal Meat Inspection Act, for example, requires that all meat be inspected for wholesomeness and that all meat products be truthfully labeled.

Another Federal law, the Agricultural Marketing Act of 1946, authorizes FSQS to provide voluntary grading services and develop grade standards for meat, poultry, eggs, dairy products, and fruits and vegetables.

To implement the laws, FSQS must issue rules and regulations under which the programs will be administered.

### THE FEDERAL REGISTER

Before FSQS can establish, amend, or repeal any of its rules and regulations, it is required, by law, to announce its intentions in the Federal Register. The Register is a legal newspaper in which the Executive Department publishes regulations, orders, and other documents. It is published weekdays by Office of the Federal Register and informs citizens of their rights, their obligations, and often, the benefits of their government.

Before the Federal Register Act of 1936 was passed, there was no central system for publication of Government regulations. Often an individual would have to go to the agency and track down the specific regulations in which he was interested. Fortunately, Congress recognized the problem and passed legislation which set up the basic system for the publication we know today.

### PUBLIC PARTICIPATION

But there are several differences between the Federal Register of 1936 and the one we use today. One important difference is the element of public participation added by the Administrative Procedure Act of 1946. This addition to the Register system affords all affected parties an opportunity to comment on agency proposals before regulations are issued.

The process required by the Administrative Procedures Act is simple:

1. Notice of the proposed rulemaking is published in the Federal Register.

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2. Interested persons are given the opportunity to submit written or oral data, views, and arguments. A time limit, which may range from 30 days to 1 year, is set for receipt of comments.
3. When the comment period for a particular proposal is up, all comments received are carefully studied. The agency must balance the favorable and unfavorable comments against one another, consider all supporting facts, reasons, research, or other evidence, and arrive at an equitable decision.
4. When the decision is made, the regulation is published in final form in the Federal Register, with the date it will go into effect.

For proposals involving agency actions or issues likely to have a significant impact, FSQS actively seeks the input of consumers, industry, and other affected groups.

### INFORMING THE PUBLIC

Any or all of the following procedures are used to communicate with citizens and encourage them to express their views:

Notices of Intent--FSQS invites public comment at the earliest opportunity through "Notices of Intent." Such notices state the intent to develop a proposal to change or issue a new regulation, identify the issues, and invite public comment. The notice may be given in a press release, at a public meeting, or it may be presented as a study draft. A study draft is just that--a draft, not an official, formal proposal. The purpose of the study draft is to get comments and ideas from those who may be affected before a formal proposal is made.

Public meetings or briefings--FSQS uses public meetings and briefings to explain significant issues to the public. FSQS may schedule public meetings before developing a proposal or after a program change is proposed. When it does so, a press release will be issued and interested organizations will be notified of the date, time, place, and issues to be considered. The meetings provide an open discussion of the effects of the proposal as well as the purpose of the proposed action.

Public hearings--The public hearing is a legal process used in administering the agency's regulatory programs. A hearing may also be scheduled to obtain public viewpoint concerning other agency programs and issues. At such hearings, an official record of evidence is established, composed of testimony on specified program proposals. All interested persons are invited to present testimony.

News releases and fact sheets--When any significant action is to be taken by the agency, when a notice of intent or study draft is issued, or when a proposal is published in the Register, FSQS also sends press releases to the news media, consumer organizations, consumer writers, State departments of agriculture, food trade associations, and other food industry groups.



Some proposals are fairly simple to describe and understand; others are quite technical. FSQS tries to provide sufficient explanation in its press releases so that interested persons can make informed comments. Fact sheets are issued along with press releases to provide more detailed explanation of some issues.

#### MAKING YOUR COMMENT COUNT

If you would like to express your views to FSQS, here are a few tips to keep in mind to help make your comments carry full weight in the rulemaking process.

--If possible, consult the Federal Register directly for complete details of the proposal. Copies of the Register should be available at the library or the county courthouse. If you are unable to obtain a copy of the Register, FSQS can often supply a copy of its proposals as they are published in the Register. Write to: Information Division, Food Safety and Quality Service, USDA, Washington, D.C. 20250. Be sure to specify the proposal you wish to receive.

--When you write your comment, be sure to identify the proposal you are commenting on. Refer to the title of informal proposals or, for formal proposals, the date of publication in the Federal Register.

--Be as specific as you can in your comments, and give supporting statements or reasons why you feel the way you do. Remember, when FSQS considers comments from the public, it is not a simple matter of counting up "for" and "against" opinions. The more substantive your comment is, the more weight it will carry. The same thing holds true for petitions. Simply adding a large number of signatures to a comment will not give it added weight. It is the worth of the comment that counts.

--Stick to the subject. Avoid vagueness and generalities.

--Don't write only when you disagree. Since all comments must be considered, please write also when you agree with a proposal, or part of it. But give substantive reasons.

So if you're interested in the outcome of any FSQS proposal, send in your opinions. Usually two copies of comments are requested and should be sent to:

Hearing Clerk  
Room 1077 South Building  
U.S. Department of Agriculture  
Washington, D.C. 20250

Sometimes, groups or individuals may ask for more time to study a proposal. The comment period may then be extended, and if it is, a press release is issued.

And sometimes, second and even third proposals are made because of comments received. Each time a proposal is revised or amended, notice must be published in the Federal Register and a press release issued.

After careful evaluation of all comments, FSQS decides whether to withdraw a proposal or publish it as final rulemaking in the Federal Register. A press release is issued and sometimes public briefings may be held to explain the decision.

FSQS urges you to follow the issues through your local newspaper.

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